

To: 'Donohue, Brian (ENRD)'[Brian.Donohue@usdoj.gov]; otto@demaximis.com[otto@demaximis.com]; rlaw@demaximis.com[rlaw@demaximis.com]
Cc: Maureen.ODeaBrill@klgates.com[Maureen.ODeaBrill@klgates.com]; Mehran, Reyhan (NOAA)[Reyhan.Mehran@noaa.gov]; Clay Stern[clay_stern@fws.gov]; mark.barash@sol.doi.gov[mark.barash@sol.doi.gov]; Flanagan, Sarah[Flanagan.Sarah@epa.gov]; Rowley, Laura (ENRD)[Laura.Rowley@usdoj.gov]; Engel, Bethany (ENRD)[Bethany.Engel@usdoj.gov]; Hurley, Joseph (ENRD)[Joseph.Hurley@usdoj.gov]; 'kate.barfield@noaa.gov'[kate.barfield@noaa.gov]
From: Erickson, Dave (SHB)
Sent: Thur 5/21/2015 4:13:46 PM
Subject: RE: Sample Disposal
[removed.txt](#)

Brian and Reyhan,

Please take this email as follow up and conversation to the conversation that we had this morning.

I have advised our consultants that you probably do not want the sediment samples, but that you will provide written confirmation asap. We would like to maintain the schedule for disposal outlined in our previous notice letter. Therefore, please confirm what you want to do with the sediment samples as soon as possible.

With regard to the fish tissue samples, I can confirm that they are all frozen. I may have the latitude/longitude location information and the analyzed/not analyzed information for you as early as tomorrow. As I understand it, you are primarily interested in possibly taking possession of fish tissue that has not been analyzed, but you would like to see the location information before making a decision.

As I mentioned today, we can talk further about what you want after you see the location information. If it is relatively easy to find what you want, there should be no problem. However, because there are thousands of samples scattered in different labs around the country, it may be difficult to locate specific individual isolated samples of fish tissue. Going through the search process could prove to be difficult, time consuming, and expensive. Because the samples are all beyond holding times, the CPG and its consultants want to avoid spending huge sums of money on a search that will not contribute any usable information.

Therefore, we may need to discuss this issue further before agreeing to conduct such a search. In any event, I will let you know as soon as I have the information promised and we can discuss this further at that time.

Best regards,

Dave

David R. Erickson

Partner

Shook, Hardy & Bacon L.L.P.
2555 Grand Blvd.

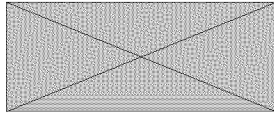
Kansas City, Missouri 64108

Main 816.474.6550

Fax 816.421.5547

Mobile 816.520.4284

Direct 816.559.2487 | derickson@shb.com



From: Erickson, Dave (SHB)

Sent: Thursday, May 21, 2015 10:05 AM

To: 'Donohue, Brian (ENRD)'; otto@demaximis.com; rlaw@demaximis.com

Cc: Maureen.ODeaBrill@klgates.com; Reyhan Mehran - NOAA Federal; Clay Stern; mark.barash@sol.doi.gov; Flanagan, Sarah; Rowley, Laura (ENRD); Engel, Bethany (ENRD); Hurley, Joseph (ENRD); 'kate.barfield@noaa.gov'

Subject: RE: Sample Disposal

Brian,

I just tried to call you to discuss. Please call me or email and let me know a good time for us to talk today or tomorrow.

Thanks,

Dave

David R. Erickson
Partner
Shook, Hardy & Bacon L.L.P.
2555 Grand Blvd.

Kansas City, Missouri 64108

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From: Donohue, Brian (ENRD) [<mailto:Brian.Donohue@usdoj.gov>]
Sent: Tuesday, May 19, 2015 12:31 PM
To: Erickson, Dave (SHB); otto@demaximis.com; rlaw@demaximis.com
Cc: Maureen.ODEaBrill@klgates.com; Reyhan Mehran - NOAA Federal; Clay Stern; Kate Barfield; mark.barash@sol.doi.gov; Flanagan, Sarah; Rowley, Laura (ENRD); Engel, Bethany (ENRD); Hurley, Joseph (ENRD)
Subject: RE: Sample Disposal

Dave – Just wondering where things stand regarding the sample disposal questions the trustees have as noted below, especially in view of when the notice suggests samples will be destroyed. The trustees need the information to make an informed decision on whether to agree to the sample disposal. Thanks.

From: Erickson, Dave (SHB) [<mailto:DERICKSON@shb.com>]
Sent: Wednesday, May 13, 2015 9:50 AM
To: Donohue, Brian (ENRD); otto@demaximis.com; rlaw@demaximis.com
Cc: Maureen.ODEaBrill@klgates.com; Reyhan Mehran - NOAA Federal; Clay Stern; Kate

Barfield; mark.barash@sol.doi.gov

Subject: RE: Sample Disposal

Brian,

Rob Law and I are tied up in meetings most of today. We will catch up with each other and get in touch with you about your questions later this week or the beginning of next week.

Best regards,

Dave

David R. Erickson

Partner

Shook, Hardy & Bacon L.L.P.
2555 Grand Blvd.

Kansas City, Missouri 64108

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From: Donohue, Brian (ENRD) [<mailto:Brian.Donohue@usdoj.gov>]

Sent: Wednesday, May 13, 2015 8:30 AM

To: Erickson, Dave (SHB); otto@demaximis.com; rlaw@demaximis.com

Cc: Maureen.ODEaBrill@klgates.com; Reyhan Mehran - NOAA Federal; Clay Stern; Kate Barfield; mark.barash@sol.doi.gov

Subject: FW: Sample Disposal

Dave, Rob and Bill – Please see the e-mail string below. It would be appreciated if you could address the request for information noted below, namely:

- Sample collection location (latitude/longitude)
- Whether the sample has been analyzed (analyzed or unanalyzed)
- Storage (frozen or refrigerated)
- Container size
- Remaining sample volume

Thank you for your assistance.

Brian Donohue

Senior Attorney

U.S. Department of Justice

202-514-5413

From: O'Dea Brill, Maureen [<mailto:Maureen.ODeaBrill@klgates.com>]

Sent: Tuesday, May 12, 2015 5:29 PM

To: Donohue, Brian (ENRD); Erickson, Dave (SHB); Robert Law; otto@demaximis.com

Cc: Hyatt, Jr., William; Reyhan Mehran - NOAA Federal; Clay Stern; Barash, Mark; Kate Barfield - NOAA Federal; Monsen, Dawn M.

Subject: RE: Sample Disposal

Dear Brian,

Thank you for your email. In order to most efficiently provide the information requested, I am connecting you with Dave Erickson of Shook, Hardy & Bacon, as well as Rob Law and Bill Potter of de maximis, inc. by way of this email. Dave, Rob, and Bill are the best people to work with you on the fulfillment of this request. For your convenience, I have included their contact information below.

Please do not hesitate to contact me with any other requests or follow-up inquiries.

Best regards,

Maureen

David R. Erickson

Partner

Shook, Hardy & Bacon L.L.P.
2555 Grand Blvd.

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Robert Law, Ph.D.

de maximis, inc.

rlaw@demaximis.com

Voice: 908-735-9315

Fax: 908-735-2132

From: Donohue, Brian (ENRD) [<mailto:Brian.Donohue@usdoj.gov>]

Sent: Tuesday, May 12, 2015 2:54 PM

To: O'Dea Brill, Maureen

Cc: Hyatt, Jr., William; Reyhan Mehran - NOAA Federal; Clay Stern; Barash, Mark; Kate Barfield - NOAA Federal

Subject: RE: Sample Disposal

Dear Maureen – Thank you for your quick response. To aid the federal trustees in determining which samples to request, however, we will need the following information:

- Sample collection location (latitude/longitude)
- Whether the sample has been analyzed (analyzed or unanalyzed)
- Storage (frozen or refrigerated)
- Container size
- Remaining sample volume

We appreciate your attention to this matter. Thank you.

Regards,

Brian Donohue

Senior Attorney

U.S. Department of Justice

(202) 514-5413

From: O'Dea Brill, Maureen [<mailto:Maureen.ODEaBrill@klgates.com>]

Sent: Wednesday, May 06, 2015 2:43 PM

To: Donohue, Brian (ENRD)

Subject: RE: Sample Disposal

Dear Mr. Donohue,

Thank you for calling our attention to the sample list on the CPG's website. That list was posted in error. The correct list, which will replace the incorrect list on the website, is attached to this email.

Please let me know if you have any further questions.

Best regards,

Maureen



Maureen O'Dea Brill

K&L Gates LLP
Market Square Plaza
17 North Second Street, 18th Floor
Harrisburg, Pennsylvania 17101
Phone: 717.231.5832
Fax: 717.231.4501

Maureen.O'DeaBrill@klgates.com

www.klgates.com

From: Donohue, Brian (ENRD) [<mailto:Brian.Donohue@usdoj.gov>]
Sent: Tuesday, May 05, 2015 1:58 PM
To: Hyatt, Jr., William
Cc: Reyhan Mehran - NOAA Federal; Clay Stern; Barash, Mark; Kate barfield
Subject: Sample Disposal
Importance: High

Bill – Re the Notice of Sample Disposal on the CPG website, there is reference to sediment and tissue samples. However, the lists on the website, and those provided in the Notice, don't seem to deal with sediment and tissue samples which are also the subject of the Notice. Would you direct us to/provide us the list of those samples that identifies the individual samples, medium, remaining volume, container size, and method of storage (e.g., temperature)? The federal trustees need that information in order to make an informed decision on the CPG's proposed disposal, including whether the destruction/disposal of the sediment and tissue samples comports with the Federal Rules. Thanks for your assistance.

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Mail Gate made the following annotations on Wed May 13 2015 08:50:10

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Mail Gate made the following annotations on Thu May 21 2015 11:14:03

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